

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Peter Kenney,)	CASE NO. 1:04 CV 2194
)	
Petitioner,)	JUDGE PATRICIA A. GAUGHAN
)	
vs.)	
)	
James Haviland, Warden,)	<u>Judgment Entry</u>
)	
Respondent.)	

This Court, having issued its Memorandum of Opinion and Order ACCEPTING the Report and Recommendation of Magistrate Judge David S. Perelman (Doc. 28), hereby denies the Petition for Writ of Habeas Corpus. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R.App.P. 22(b).

IT IS SO ORDERED.

Dated: 9/26/06

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge